



IFW

Docket No.: 31978-235608
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sergei A. Svarovsky et al.

Art Unit: Not Yet Assigned

Application No: 10/594,075

Examiner: Not Yet Assigned

Filed: September 22, 2006

Atty. Docket No: 31978-235608

For: CARBOHYDRATE-ENCAPSULATED
QUANTUM DOTS FOR BIOLOGICAL
IMAGING

Customer No:

26694
PATENT TRADEMARK OFFICE

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear on any patent to issue therefrom. Copies of documents **B1-B10** and **C1-C19** are enclosed.

This First Supplemental Information Disclosure Statement is filed within three months of the U.S. filing date (37 CFR 1.97(b)(1)).

In accordance with 37 CFR 1.9(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In order to correct or add information to the citations presented in the Information Disclosure Statement previously filed on September 22, 2006, the following citations are

represented in this First Supplemental Information Disclosure Statement: Svarovsky et al., Carbohydrate Research, Vol. 338 (2003), pp. 1925-1935 (document C11); Faulkner, www.thenewsstar.com, Oct. 22, 2003, pp. 1-2 (document C18); and Chen, Nano Letters, Vol. 3, No. 5 (2003), pp.581-584 (document C19).


In accordance with 37 CFR 1.97(g), the filing of this First Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this First Supplemental Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the First Supplemental Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed documents.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 31978-235608. A Fee Transmittal is enclosed.

Dated: November 13, 2006

Respectfully submitted,

By 

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PTO/SB/08A/B (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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|--|---|----|---|--------------------------|---------------------|
| Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | Complete if Known | |
| | | | | Application Number | 10/594,075 |
| | | | | Filing Date | September 22, 2006 |
| | | | | First Named Inventor | Sergei A. Svarovsky |
| | | | | Art Unit | Not Yet Assigned |
| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 1 | of | 4 | Attorney Docket Number | 31978-235608 |

| U.S. PATENT DOCUMENTS | | | | | |
|-------------------------------|--------------------------|--|--------------------------------|--|---|
| Exami ner Initials * | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
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| Examiner Signature | | | | Date Considered | |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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|--|---|----|---|--------------------------|---------------------|
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| | | | | First Named Inventor | Sergei A. Svarovsky |
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| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 2 | of | 4 | Attorney Docket Number | 31978-235608 |

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|--------------------------|--------------------------|--|-----------------------------------|--|--|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
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| | B9 | International Search Report and Written Opinion of the International Searching Authority, issued in PCT/US2005/009344 | mailed 12-21-2005 | U.S. Department of Health and Human Services | | |
| | B10 | International Preliminary Report on Patentability, date, issued in PCT/US2005/009344 | mailed 10-05-2006 | U.S. Department of Health and Human Services | | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
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| | | | | First Named Inventor | Sergei A. Svarovsky |
| | | | | Art Unit | Not Yet Assigned |
| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 3 | of | 4 | Attorney Docket Number | 31978-235608 |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|--|-----------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | C1 | PALE-GROSDEMANGE et al., "Formation of Self-Assembled Monolayers by Chemisorption of Derivatives of Oligo(ethylene glycol) of Structure HS(CH ₂) ₁₁ (OCH ₂ CH ₂) _m OH on Gold", J. Am. Chem. Soc., Vol. 113, 1991 (pp. 12-20) | |
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| | C14 | (SEARCH 1) Results of LEXIS search performed September, 2004. Search string = atleast10(quantum dot or quantum confin! or nanocrystal!) and atleast10(bio!) and (mercaptoalkanoic or mercaptoalk! or mercaptosuccinic or mercaptoformic or mercaptoacetic or mercaptopropionic or mercaptobutyric or mercaptovaleric or mercaptocaproic or mercaptocaprylic or mercapto*****oic or mercapto*****oic or thioalkanoic or thioalk! or thiosuccinic or thioformic or thioacetic or thiopropionic or thiobutyric or thiovaleric or thiocaproic or thiocaprylic or thio*****oic or thio*****oic) | |
| | C15 | (SEARCH 2) Results of LEXIS search performed September, 2004. Search string = atleast5(quantum dot or quantum confin! or nanocrystal!) and atleast5(bio!) and atleast3(glycol) | |
| | C16 | (SEARCH 3) Results of LEXIS search performed September, 2004. Search string = (quantum dot or quantum confin! or nanocrystal!) and bio! and (mercapto! or thio!) | |
| | C17 | (SEARCH 4) Results of LEXIS search performed September, 2004. Search string = quantum | |
| Examiner Signature | | | Date Considered |

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| Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Complete if Known | |
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| | | | | First Named Inventor | Sergei A. Svarovsky |
| | | | | Art Unit | Not Yet Assigned |
| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 4 | of | 4 | Attorney Docket Number | 31978-235608 |

| | | | |
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| | | dot or quantum confin! or nanocrystal!) and bio! and glycol | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
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PTO/SB/17 (07-06)

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|--|--|--------------------------|---------------------|
| Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005 | | Complete if Known | |
| | | Application Number | 10/594,075 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Filing Date | September 22, 2006 |
| TOTAL AMOUNT OF PAYMENT (\$) | | First Named Inventor | Sergei A. Svarovsky |
| | | Examiner Name | Not Yet Assigned |
| (\$) | | Art Unit | Not Yet Assigned |
| | | Attorney Docket No. | 31978-235608 |

| | |
|---|---|
| METHOD OF PAYMENT (check all that apply) | |
| <input type="checkbox"/> Check | <input type="checkbox"/> Credit Card |
| <input type="checkbox"/> Money Order | <input type="checkbox"/> None |
| <input type="checkbox"/> Other (please identify): _____ | |
| <input checked="" type="checkbox"/> Deposit Account | Deposit Account Number: 22-0261 Deposit Account Name: Venable LLP |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) | |
| <input type="checkbox"/> Charge fee(s) indicated below | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 | <input checked="" type="checkbox"/> Credit any overpayments |

| | | | | | | | |
|---|---------------------|---|-----------------|----------------------|----------------------------------|-----------------------|----------------|
| FEE CALCULATION | | | | | | | |
| 1. BASIC FILING, SEARCH, AND EXAMINATION FEES | | | | | | | |
| Application Type | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fee (\$) | Small Entity | Fees Paid (\$) |
| | | Fee (\$) | | Fee (\$) | | Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |
| 2. EXCESS CLAIM FEES | | | | | | | |
| | | | | | | Small Entity | |
| | | | | | | Fee (\$) | Fee (\$) |
| Each claim over 20 (including Reissues) | | | | | | 50 | 25 |
| Each independent claim over 3 (including Reissues) | | | | | | 200 | 100 |
| Multiple dependent claims | | | | | | 360 | 180 |
| Total Claims | | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims | | |
| - 20 = | | x | = | | Fee (\$) | Fee Paid (\$) | |
| HP = highest number of total claims paid for, if greater than 20. | | | | | | | |
| Indep. Claims | | Extra Claims | Fee (\$) | Fee Paid (\$) | | | |
| - 3 = | | x | = | | | | |
| HP = highest number of independent claims paid for, if greater than 3. | | | | | | | |
| 3. APPLICATION SIZE FEE | | | | | | | |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) | | | |
| - 100 = | /50 | (round up to a whole number) x | = | | | | |
| 4. OTHER FEE(S) | | | | | | | |
| Non-English Specification, \$130 fee (no small entity discount) | | | | | | Fees Paid (\$) | |
| Other (e.g., late filing surcharge): | | | | | | | |

| | | | |
|---------------------|------------------|-----------------------------------|----------------|
| SUBMITTED BY | | | |
| Signature | | Registration No. (Attorney/Agent) | 46,722 |
| Name (Print/Type) | Lars H. Genieser | Telephone | (202) 344-4000 |
| | | Date | 11/13/2006 |

#796305



PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|------------------------|---------------------|
| Application Number | 10/594,075 |
| Filing Date | September 22, 2006 |
| First Named Inventor | Sergei A. Svarovsky |
| Art Unit | Not Yet Assigned |
| Examiner Name | Not Yet Assigned |
| Attorney Docket Number | 31978-235608 |

ENCLOSURES (Check all that apply)

| | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> First Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO/SB/08A and 29 cited documents |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|------------------|----------|--------|
| Firm Name | VENABLE LLP | | |
| Signature | | | |
| Printed name | Lars H. Genieser | | |
| Date | 11/13/2006 | Reg. No. | 46,722 |

#796304